

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

JAMES H. MAXWELL,

Plaintiff,

v.

REAL CHANGE,

Defendant.

Case No. C14-126 JCC-BAT

**REPORT AND  
RECOMMENDATION**

James Maxwell filed a pro se 28 U.S.C. §1983 action challenging an “upper management sanction disciplining action,” that Real Change, his alleged private employer, took against him. Dkt. 8. Mr. Maxwell was advised that he cannot sue Real Change because a §1983 lawsuit can only be brought against a state actor, *i.e.*, a government body, and was given leave to show cause no later than March 5, 2014 why the matter should not be dismissed. Dkt. 7.

As Mr. Maxwell has failed to respond, the Court recommends the matter be dismissed with prejudice. This Report and Recommendation is not an appealable order. Therefore a notice of appeal seeking review in the Court of Appeals for the Ninth Circuit should not be filed until the assigned District Judge enters a judgment in the case. If Mr. Maxwell wishes to file objections, he must do so by **December 1, 2014**. The Clerk should note the matter as ready on **December 5, 2014** for the Court’s consideration. Objections shall not exceed 8 pages. The

1 failure to timely object may affect the right to appeal.

2 DATED this 14<sup>th</sup> day of November, 2014.

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5 BRIAN A. TSUCHIDA  
6 United States Magistrate Judge  
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